

FEDERAL COMMUNICATIONS COMMISSION
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June 27, 2011

Robert J. Folliard III, Esq.
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1200 New Hampshire Avenue NW, Suite 800
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Re: KYOS(AM), Merced, California
Facility Identification Number : 41174
Mapleton License of Merced, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed June 24, 2011, on behalf of Mapleton License of Merced, LLC ("Mapleton"). Mapleton requests special temporary authority ("STA") to operate Station KYOS with reduced power during daytime hours, and with emergency antenna facilities, pursuant to Section 73.1680, during nighttime hours.¹ In support of the request, Mapleton states that, on May 24, 2011, vandals damaged the KYOS transmitter site, causing certain equipment to fail. Mapleton states that the equipment failure forced it to operate with reduced power during daytime hours and rendered the nighttime directional antenna inoperable. Mapleton further states that, by letter dated June 2, 2011, it informed the Commission that, during daytime hours, the station was operating at reduced power pursuant to Section 73.1560(d). Mapleton states that, in addition, it had begun operating with an emergency nondirectional antenna at 25 percent of its licensed nighttime power level pursuant to Section 73.1680(b)(1).

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the proposed STA operation complies with the technical provisions of Sections 73.1560(d) and 73.1680. However, it is not clear from the information provided that the filing requirements of Section 73.1680(b) have been met. STA is granted, with conditions.

Accordingly, the request for STA IS HEREBY GRANTED. Station KYOS may operate during daytime hours with reduced power, and during nighttime hours with an emergency nondirectional antenna and reduced power not to exceed 1.25 kilowatts. It will be necessary to further reduce power or cease operation if complaints of interference are received. Mapleton must notify the Commission when

¹ KYOS is licensed for operation on 1480 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

licensed operation is restored.² Mapleton must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. The authority granted herein does not cover the period between May 24, 2011, and June 24, 2011, and is without prejudice as to whatever action the Commission may take with regard to operation of Station KYOS during the foregoing period.

This authority expires on **December 27, 2011**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Mapleton License of Merced, LLC

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)